

**(3) Conditional Declaration filed under section 1.131**

We submit that the amended claims define patentability over the prior art. Should objectionable similarities continue to exist between our amended application and the prior art applications of Lam 10/006,752 and Zhou 10/083,674, we request that the examiner take into account our affidavit of prior invention pursuant to section 1.131.

Inventor's credentials

Dr. Little obtained a B.A.Sc. in Electrical Engineering in 1984, and a PhD in Electrical Engineering in 1994, both from the University of Waterloo, Canada. He held a Post Doctoral position, and subsequently a Research Associate position, at the Massachusetts Institute of Technology (MIT) for five years. He has held a Research Professor position and the University of Maryland, as well as positions at Nortel Networks and Fujitsu. He has consulted for a number fiber optic companies. In 2000, he founded Little Optics Inc, and served as its President and Chief Technology Officer. The company has since raised \$25M in venture capital. Little Optics Inc pioneered high index contrast photonic circuits. Dr. Little has published over 75 articles in peer reviewed journals and holds several patents in the field.

Place of Invention

The work performed in conceiving, analyzing, and reducing to practice of this invention was performed in the USA.

The following attached pages (pages 10-13) from my lab notebook detail this invention as occurring before the priority dates of the cited prior art references (Appl. No. 10/006,752 to Lam et. al. and Appl. No. 10/083,674 to Zhou et. al.)

I declare that the devices and products of this application were conceived by me on the dates listed in the lab notes.

Brent Little

Considered; insufficient  
JDL  
08/30/05

9/14